

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
OMB-01 TRSE-00 IO-13 /080 W
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R 231230Z AUG 78
FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC 9889
INFO AMEMBASSY JAKARTA
AMEMBASSY KUALA LUMPUR
AMEMBASSY MANILA
AMEMBASSY SINGAPORE
CINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 24332

CINCPAC FOR POLAD

EO 11652: XGDS-4
TAGS: PINT, TH
SUBJ: MODIFICATION OF THE DRAFT CONSTITUTION CAUSES
CONTROVERSY

REF: BANGKOK 21264

SUMMARY: THE CONSTITUTIONAL SCRUTINY COMMITTEE (CSC)
COMPLETED LAST WEEK THE FIFTH WEEK OF DELIBERATIONS OF
THE DRAFT CONSTITUTION. CSC CHAIRMAN, LT. GEN.
CHALOEMCHAI CHARUWAT, SUCCESSFULLY MANEUVERED THE CSC
APPROVAL OF AMENDMENTS WHICH ALTER SIGNIFICANTLY THE
DRAFT CONSTITUTION DESPITE EVIDENCE OF SERIOUS
DIFFERENCES OF OPINION WITHIN THE CSC. THE REACTIONS
OF THE NATIONAL ASSEMBLY MEMBERS, FORMER POLITICIANS AND
THE PRESS HAVE BEEN EXTREMELY NEGATIVE TO THE
CHALOEMCHAI-SPONSORED AMENDMENTS. GIVEN THE NEGATIVE
REACTION, THE PRIME MINISTER APPEARS TO HAVE DECIDED TO
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INDIRECTLY MAKE KNOWN HIS VIEWS ON THE CONSTITUTION,
WHICH COULD AGAIN SIGNIFICANTLY CHANGE THE DRAFT.
END SUMMARY.

1. THE CSC COMPLETED ON AUGUST 18 THE FIFTH WEEK OF
DELIBERATIONS ON THE DRAFT CONSTITUTION. MORE THAN 100
AMENDMENTS WERE RECEIVED BY THE AUGUST 14 DEADLINE.

CHALOEMCHAI LEK CHOM, CSC ASSISTANT SECRETARY, EXPLAINED TO EMBOFF THAT ONLY 70 AMENDMENTS WERE BEING SERIOUSLY STUDIED. THREE AMENDMENTS SPONSORED BY CHAIRMAN CHALOEMCHAI HAVE CAUSED THE GREATEST CONTROVERSY. THEY ARE:

A. THE LEGISLATURE HAS BEEN CHANGED BY THE COMMITTEE FROM A BI-CAMERAL TO A UNICAMERAL LEGISLATURE. UNDER THE CURRENT DRAFT, THIS LEGISLATURE WOULD CONSIST OF 50 PERCENT APPOINTED MEMBERS AND 50 PERCENT ELECTED MEMBERS. THIS CHANGE WOULD ALLOW THE GOVERNMENT APPOINTED MEMBERS TO SIT IN AND VOTE ALONG WITH ELECTED MEMBERS ON EVERY BILL. IT THEREBY INCREASES THE POWER OF THE APPOINTED MEMBERS, INCREASES GOVERNMENT CONTROL OF THE LEGISLATURE, AND OBVIOUSLY DIMINISHES FURTHER THE ALREADY LIMITED ROLE OF THE ELECTED MEMBERS.

B. CANDIDATES FOR LEGISLATIVE SEATS WOULD NO LONGER BE REQUIRED TO BE POLITICAL PARTY MEMBERS. CHAIRMAN CHALOEMCHAI CHARUWAT STATED PUBLICLY THAT THIS AMENDMENT WAS PROPOSED BECAUSE THE 90 DAYS ALLOTTED FOR POLITICAL PARTIES TO ORGANIZE WAS TOO BRIEF. HE SAID THAT IN THE SUBSEQUENT 1983 ELECTIONS ALL CANDIDATES WOULD THEN HAVE TO BE POLITICAL PARTY MEMBERS. THIS CHANGE WOULD WEAKEN THE POLITICAL PARTIES AND ALLOW WELL-KNOWN AND POWERFUL CURRENT MEMBERS OF THE GOVERNMENT TO RUN

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SUCCESSFULLY AS INDEPENDENTS WITHOUT THE NEED FOR ASSOCIATING WITH A PARTY. (FOR INSTANCE, GEN. KRIANGSAK HAS THUS FAR STATED HE PLANS NO POLITICAL PARTY INVOLVEMENT WHILE INDICATING THAT HE MAY RUN FROM HIS HOME DISTRICT IN SAMUT SAKHON PROVINCE.)

C. ELECTION DISTRICTS HAVE BEEN ALTERED TO PROVIDE PROVINCE-WIDE DISTRICTS, WITH THE EXCEPTION OF BANGKOK WHICH WOULD BE DIVIDED INTO SMALLER ELECTION DISTRICTS. THIS CHANGE MAKES IT DIFFICULT FOR LESSER OPPOSITION GROUPS TO RUN SUCCESSFULLY FOR ASSEMBLY SEATS. PRACHUM RATTANPHIAN, CSC MEMBER, PRIVATELY EXPRESSED VIEW TO EMBOFF OF SEVERAL NLA MEMBERS THAT THIS CHANGE WILL FORCE THE LEFT FURTHER UNDERGROUND.

2. THE CSC HAS APPARENTLY DIVIDED INTO THREE FACTIONS. THE "PRO-GOVERNMENT" FACTION IS LED BY CSC CHAIRMAN, CHALOEMCHAI CHARUWAT, AND MAJ. GEN. PRAYUN BUNNAK OF THE SUPREME COMMAND. THE "YOUNG TURKS" ARE REPRESENTED BY COL. PRACHAK SAWANGCHIT. OTHER MEMBERS OF THE CSC FORM A MIDDLE FACTION ALTERNATELY SUPPORTING ONE OR THE OTHER OF THE TWO MORE DEFINED FACTIONS. CSC ASSISTANT

SECRETARY CHALOEMCHAI LEK CHOM TOLD US THAT THE YOUNG TURKS PROPOSED A DIRECTLY-ELECTED BI-CAMERAL LEGISLATURE ALONG U.S. LINES. THIS LED TO BITTER VERBAL DEBATE IN THE CSC ON AUGUST 4. HOWEVER, SUBSEQUENTLY THE AMENDMENT ON THE UNICAMERAL BODY WAS ACCEPTED (PARA 1A ABOVE). WE SUSPECT THAT THE INCREASING ATTRACTIVENESS TO OTHER MEMBERS OF THE CSC OF "YOUNG TURK" PROPOSALS FOR ELECTIONS OF BOTH HOUSES LED THE CHALOEMCHAI CHARUWAT GROUP TO PUSH THROUGH ITS AMENDMENTS. THE UNICAMERAL LEGISLATURE WAS VOTED FOR BY ONLY 17 MEMBERS OF THE 35-MEMBER CSC, 4 WERE AGAINST, 6 ABSTAINED, AND 8 MEMBERS WERE ABSENT.

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3. PUBLIC REACTION TO THE AMENDMENTS OF THE CSC HAS BEEN GENERALLY HARSH. PRACHUM RATTANPHIAN, CSC MEMBER, NLA MEMBER, AND PRAMUAN KUNLAMAT, NLA MEMBER AND FORMER DEPUTY HOUSE SPEAKER, EXPRESSED DEEP DISSATISFACTION WITH BOTH THE AMENDMENTS AND THE MANNER IN WHICH CHALOEMCHAI CHARUWAT COERCED THE APPROVAL OF THESE AMENDMENTS. A NUMBER OF NATIONAL LEGISLATIVE MEMBERS HAVE ALSO OPENLY VOICED THEIR OPINION THAT THE GOVERNMENT IS USING "DICTATORIAL METHODS" TO BRING ABOUT AN UNDEMOCRATIC CONSTITUTION. MAJOR CIVILIAN POLITICIANS HAVE STATED IN THE PRESS THAT THE NEW CONSTITUTION HAS BEEN ALTERED SO THAT IT IS A RETROGRESSION TO THE 1932 CONSTITUTION, WHICH THE COUNTRY HAS LONG OUTGROWN. EDITORIALS HAVE JOINED IN ATTACKING THE AMENDMENTS OF

THE DRAFT CONSTITUTION AS REACTIONARY AND A DISAPPOINTMENT
TO THE THAI PEOPLE.

4. COMMENT: THE CONFLICT OVER THE AMENDMENTS REFLECTS
SERIOUS DIFFERENCES OF OPINION AMONG POLITICAL INTEREST
GROUPS, BOTH CIVILIAN AND MILITARY, OVER THE NATURE OF
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THE NEW ELECTED GOVERNMENT. THE ACTIONS OF THE CSC OF
THE PAST TWO WEEKS HAVE INCREASED OPPOSITION TO THE
CURRENT DRAFT CONSTITUTION AMONG NLA MEMBERS.

5. CHAIRMAN CHALOEMCHAI CHARUWAT, WHO IS CONTROLLING
THE OPERATIONS AND AGENDA OF THE CSC, IS A CLOSE
CONFIDANT OF GEN. KRIANGSAK. CHALOEMCHAI CHARUWAT HAS
BEEN A MINOR FIGURE IN THAI POLITICS WITH NO LEGISLATIVE
EXPERIENCE PRIOR TO HIS APPOINTMENT TO THE NLA, AND
THEN ELECTION TO CHAIRMAN OF THE CSC. ALTHOUGH
CHALOEMCHAI CHARUWAT IS RESPONSIVE TO KRIANGSAK, WE
ALSO BELIEVE KRIANGSAK HAS THUS FAR TAKEN A "HANDS-OFF"
POSITION ON THE INTERNAL OPERATIONS OF THE CSC. HOWEVER,
KRIANGSAK'S POSITION ON THE DRAFT CONSTITUTION IS
EVOLVING, AND HE MAY BE REALIZING THAT CHALOEMCHAI
CHARUWAT'S ACTIONS WERE A MISTAKE. PRESS REPORTS OF
AUGUST 22 CITING SOURCES CLOSE TO THE PRIME MINISTER
STATE THAT KRIANGSAK PREFERS A BI-CAMERAL LEGISLATURE.
THE PRESS ALSO REPORTS THAT CHALOEMCHAI CHARUWAT IS
CURRENTLY RECONSIDERING THE UNICAMERAL LEGISLATURE
AMENDMENT. ALTHOUGH WE HAVE NOT BEEN ABLE TO CONFIRM
THESE PRESS REPORTS, HEAVY POLITICAL ATTENTION
CONTINUES TO FOCUS ON THE CONSTITUTIONAL DELIBERATIONS
AND WE ANTICIPATE THAT THE CSC DRAFT AMENDMENT MAY
WELL BE SUBSTANTIALLY REVISED. ABRAMOWITZ

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